

**CITY OF KIRKWOOD
PLANNING AND ZONING COMMISSION
SUBCOMMITTEE REPORT
SEPTEMBER 7, 2016**

PETITION NUMBER: PZ-06-16

ACTION REQUESTED: SITE PLAN REVIEW (BASEBALL FIELD)

PETITIONER: ST. JOHN VIANNEY HIGH SCHOOL, MIKE LOYET

PETITIONER'S AGENT: ATG SPORTS, DON BOLINGER

PROPERTY LOCATION: 1311 S. KIRKWOOD ROAD

ZONING: R-3 SINGLE-FAMILY DISTRICT

DRAWINGS SUBMITTED: SITE DEVELOPMENT PLAN SET SUBMITTED BY STOCK & ASSOCIATES, STAMPED "RECEIVED OCTOBER 14, 2015 CITY OF KIRKWOOD PUBLIC SERVICES"

LIGHTING PLAN SUBMITTED BY MUSCO, STAMPED "RECEIVED OCTOBER 14, 2015, CITY OF KIRKWOOD PUBLIC SERVICES"

BASEBALL FIELD IMPROVEMENT SCHEMATICS/DETAILS SUBMITTED BY ATG SPORTS, STAMPED "RECEIVED OCTOBER 14, 2015, CITY OF KIRKWOOD PUBLIC SERVICES"

LANDSCAPING PLAN SUBMITTED BY JAMES C. FETTERMAN STAMPED "RECEIVED AUGUST 15, 2016, CITY OF KIRKWOOD PUBLIC SERVICES"

DESCRIPTION OF PROJECT:

St. John Vianney High School ("Vianney") has used the property that is the subject of this Site Plan Review as a baseball field for many years. Vianney was obligated to obtain site plan approval prior to constructing certain facility improvements. Facility improvements include the following: the conversion of the grass field to a new synthetic playing surface, replacement of existing dugouts with decorative block dugouts, new sidewalks and patio viewing areas and new stadium-style seating (196), fencing, sound system, and lighting.

The application for building permits and site plan approval did not follow the process that is required by the Zoning Code. Vianney and its contractor failed to obtain the necessary building permits prior to the start of construction and failed to submit and file for the appropriate site plan review in accordance with Section A-220 of the Zoning Code prior to the start of construction on this project. In addition, City staff incorrectly informed Vianney that it could install lighting that exceeded the Illumination Levels set forth in Section A-1040 of the Zoning Code. The City subsequently informed Vianney of the error and further informed

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Vianney that the lighting cannot exceed the Illumination Levels set forth in Section 1040.5 of the Zoning Code.

The City issued a stop work order on this project, and required Vianney to file the appropriate building permit applications and the application and submission requirements for site plan review. It is estimated that 80% of the project was completed prior to submission of building permit applications and for site plan review.

COMPREHENSIVE PLAN:

This site is designated for Institutional Use by the Vision 2015 Comprehensive Plan. The proposed development is considered an Institutional Use and is consistent with the policies presented by the Vision 2015 Comprehensive Plan.

LAND USE AND ZONING:

The subject property is currently zoned R-3 Single-Family Residential District and is developed as a private school, which is a permitted use in the R-3 Single-Family Residential District. Surrounding land uses and zoning include the following:

To the south: Sunset Hills City Limits - (Residential).

To the north: Directly abutting the site are single-family homes zoned R-3 Single-Family Residential District and condominiums zoned R-5 Multi-Family Residential District.

To the east: Directly abutting the site multi-tenant commercial zoned B-5 Planned Commercial District.

To the west: Directly abutting the site are single-family homes zoned R-3 Single-Family Residential District.

DEPARTMENTAL/AGENCY COMMENTS:

Electric: No Comments.

Engineering: No Comments

Fire: No Comments

Water: No Comments

No outside agencies applicable.

DISCUSSION:

A zoning matters sign was placed on the site on October 28, 2015. The subcommittee met on site November 2, 2015; June 29, 2016; and July 13, 2016, with the petitioner. See Exhibit B for a list of people in attendance. Notices of the meetings had been properly posted.

The subcommittee met on five separate occasions (November 2, 2015; June 6, 2016 (closed); June 29, 2016; July 13, 2016; and August 29, 2016 (closed)). The general discussion at all meetings concerned the baseball field lighting, public address system, grading and drainage of the site, and the need for placement of landscaping to buffer the residences adjacent to the field. Vianney has adjusted the lighting levels on the field lighting to meet the City's Lighting Regulations. It is the City's understanding that these adjustments have eliminated the use of the baseball field for night time sanctioned high school baseball games. The lighting level does allow for the use of the athletic field for soccer and lacrosse. The subcommittee suggested that a third party consultant be used to field verify and certify that the lights meet City regulations. Vianney will be providing a certification from Musco Lighting verifying field lighting levels. It is the staff's opinion that a certification from Musco Lighting is acceptable. The subcommittee requested that Vianney provide input concerning restrictions on the number of days that the lights will be used and time of day to turn the lights off, but Vianney declined to provide any input.

Vianney has used some form of a public address system in the past, and there has been no study conducted to date to address the public address system. The subcommittee suggested that Vianney provide an acoustical study to determine recommended use of the public address system but no study has been provided. Disturbing noises are prohibited under Section 17-36 of the Kirkwood Code of Ordinances and Section 17-37 of the Code addresses conduct constituting disturbing noises. City staff is not aware of instances in which the public address system used by Vianney has been deemed to be a violation of the Code. However, it is recommended that conditions be imposed on use of the public address system to avoid noise disturbance to the neighboring residents. The subcommittee requested that Vianney provide input concerning restriction on the use of speakers and sound system but Vianney declined to provide any input.

The City Forester and Vianney's landscape architect met on site to determine an acceptable landscape plan, and a landscape plan has been submitted.

The requirements, process and guidelines for Site Plan Review are set forth in Section A-220 of the Zoning Code. As mentioned above, the appropriate application for Site Plan Review was not submitted prior to construction requiring a building permit but the applicable guidelines, as set forth in Section 220.7, can be applied.

Residents adjoining the site have voiced objections and concerns about the facility's improvements and submitted a petition to amend the Zoning Code. The City also received a Geyer Forest Drive and Forest Glen Lane Property

Owners Vianney Site Plan Review Position Paper stamped "Received July 12, 2016." It recommends that the Planning and Zoning Commission and the City deny and reject the Vianney site plan until, at least, the lights are removed; no new lighting be allowed; the hours of operation be limited to that which Vianney has historically used; and substantially sized and significant trees be placed all along the property lines. The City has also received e-mail communications from residents expressing their views and opposition to the site plan, including statements that the use of lights will adversely affect the character of the neighborhood and adversely affect the general welfare of the community. The City staff and Planning and Zoning Commission subcommittee considered all of the guidelines and acknowledge that the guidelines state that the proposed development should not adversely affect the character of the neighborhood or adversely affect the general welfare of the community. The guidelines indicating that a proposed development "should not" adversely affect the character of the neighborhood is significantly different from the requirements and standard used on the consideration of a special use permit. Consideration of the guidelines must be made in relationship to the development's conformity with all applicable zoning code requirements. The guidelines provide direction to allow the Planning and Zoning to exercise some discretion in the imposition of conditions and restrictions on the development. The guidelines and other applicable provisions do not provide a basis to deny the site plan or a basis to prohibit the use of lights when the lighting meets the Lighting Regulations set forth in the Zoning Code. The imposition of conditions and restrictions are the appropriate means to address usage of the lights, the sound system and landscape designed to provide reasonable visual and sound buffering.

RECOMMENDATION:

The Subcommittee recommends that this petition be approved with the following conditions:

1. The project shall be constructed and maintained in accordance with the site development plans stamped "Received October 14, 2015, City of Kirkwood Public Services", except as noted herein.
2. The lights shall not be used in any manner until the applicant provides a certification satisfactory to the Director of Public Services validating and confirming that the lights are in conformity with the Illumination Levels set forth in Section 1040.5 of the Zoning Code, together with a photometric plan and field verification of compliance.

Field lighting shall meet the required maximum illumination level of 0.1 footcandles (finished grade) at the property line adjacent to single-family residential uses in order to be turned on for athletic practices or games only, and the field lighting shall only be used between the hours of 7:00 a.m. and 10:00 p.m. June 1st - August 15th and between the hours of 7:00 a.m. and 9:00 p.m. August 16th - May 31st.

3. The speakers and sound system may be used not more than 30 minutes prior to a scheduled athletic event and shall be limited to the playing of the national anthem, general pre-game announcements, such as for team lineups, and in no event shall the sound system be utilized for the playing of music, play-by-play announcing, or athletic practices. In addition, the sound system can only be used between the hours of 7:00 a.m. and 10:00 p.m. June 1st - August 15th and between the hours of 7:00 a.m. and 9:00 p.m. August 16th - May 31st. Any future alterations to the sound system, including design, layout and placement of sound system elements, must be approved by the City.
4. Landscaping shall be provided and maintained in accordance with the Landscape Plan stamped "Received August 15, 2016."

Respectfully submitted,

Wanda Drewel

Dan Stauder

Madt Mallinckrodt

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EXHIBIT A
STANDARD CONDITIONS

1. The approval of this Site Plan shall not authorize any person to unreasonably alter, increase, or redirect the surface water run off so as to cause harm to any person or property.
2. The premises and improvements as approved by this Site Plan shall be in good working order and maintained in good repair at all times.
3. The applicant, by accepting and acting under the Site Plan approval granted, accepts the approval subject to the reservations, restrictions, and conditions set forth in the Code of Ordinances and in the report and agrees to comply with each provision subject to the penalties prescribed under Section 1-8 of the Code of Ordinances and subject to revocation of this approval in the event such provisions are not complied with.
4. The applicant and his successors and assigns by accepting and acting under the approval herein granted accepts the approval subject to the condition that failure to abate any violation of this approval or any provisions of the Code of Ordinances of the City of Kirkwood within five (5) days after notice by hand delivery or first-class mail shall result in an administrative investigation fee of \$500 due to the City of Kirkwood. An invoice shall be issued. A Stop Work Order to cease all work on the premises except such work as directed by the Public Services Director to abate the violation may be issued for any work on the premises until the investigation fee is paid in full. The City may demand payment of said fee from the holder of the letter of credit, any bond, or escrow if not paid within 30 days of the invoice.

EXHIBIT B
SUBCOMMITTEE MEETINGS
ATTENDANCE LIST

November 2, 2015

Wanda Drewel -	Subcommittee Chair
Dan Stauder -	Subcommittee
Madt Mallinckrodt -	Subcommittee
Greg Frick -	PZ Chairman
Wendell De Phillips -	Petitioner
Ryan Spencer-	City Planner
Ted Dunkmann-	City Engineer
Jack Schenck-	Building Commissioner

June 6, 2106

Dan Stauder -	Subcommittee
Madt Mallinckrodt -	Subcommittee
Russel Hawes-	Chief Administrative Officer
Bill Bensing-	Public Services Director
John Hessel-	City Attorney

June 29, 2016

Wanda Drewel -	Subcommittee Chair
Dan Stauder -	Subcommittee
Madt Mallinckrodt -	Subcommittee
Jim O'Donnell -	PZ Member
Cindy Coronado -	PZ Member
Allen Klippel -	PZ Chairperson
David Eagleton -	PZ Member
Nancey Luetzow -	Council Member
Maggie Duwe -	Council Member
Ryan Spencer -	City Planner
Ted Dunkmann -	City Engineer
Jack Schenck -	Building Commissioner
Bill Bensing -	Public Services Director
Mike Loyel -	Petitioner
Wendell De Phillips -	Petitioner
Katie Maginn -	Neighbor
David Powell -	Neighbor
Joe Hartman -	Neighbor
Mary Murphy -	Neighbor
Barbara Schmeding -	Neighbor
Skip Bray -	Neighbor
Marianne Powell -	Neighbor
Holly Tanka -	Neighbor
Nan Fritschle -	Neighbor

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July 13, 2016

Dan Stauder -	Subcommittee
Madt Mallinckrodt -	Subcommittee
Jim O'Donnell -	PZ Member
Cindy Coronado -	PZ Member
Allen Klippel -	PZ Chairperson
David Eagleton -	PZ Member
Nancey Luetzow -	Council Member
Bill Bensing -	Public Services Director
Mike Loyet -	Petitioner
Wendell De Phillips -	Petitioner
Marianne Powell -	Neighbor
David Powell -	Neighbor
Joe Hartman -	Neighbor
Noah Dickinson -	Neighbor
Barbara Schmeding -	Neighbor
Thomas Kibby -	Neighbor
Rachel Kibby -	Neighbor
Traci Sembroa -	Neighbor
Nan Fritschle -	Neighbor
David Mulcahy -	Neighbor
James Sembroa -	Neighbor
Vicky Rees -	Neighbor

August 29, 2016

Wanda Drewel -	Subcommittee
Dan Stauder -	Subcommittee
Allen Klippel -	PZ Chairperson
Bill Bensing -	Public Services Director
Jonathan Raiche -	City Planner
Amy Lowry -	Asst. City Planner
John Hessel -	City Attorney

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